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**MARTIN & FERRARO, LLP**  
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Hartville, Ohio 44632Telephone  
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**FACSIMILE TRANSMITTAL**

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**TO:****Name:** Mail Stop AMENDMENT  
Group Art Unit 3738**Firm:** U.S. Patent & Trademark Office**Fax No.:** 703-872-9306**Subject:** U.S. Patent Application No. 10/740,747  
Gary Karlin Michelson  
Filed: December 19, 2003  
SPINAL IMPLANT FOR INSERTION BETWEEN  
VERTEBRAL BODIES

Attorney Docket No. 102.0001-12000

Customer No. 22882

Confirmation No.: 4978

**FROM:****Name:** Thomas H. Martin, Esq.**Phone No.:** 330-877-2277**No. of Pages (including this):** 13**Date:** September 10, 2004**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate), Amendment, Second Request for Interference Under 37 C.F.R. § 1.604, and Third Request for Interference Under 37 C.F.R. § 1.604 are being facsimile transmitted to the U.S. Patent and Trademark Office on September 10, 2004.

  
Sandra L. Blackmon

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FORM PTO-1083

PATENT

Attorney Docket No.: 102.0001-12000

Customer Number 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson

Serial No: 10/740,747

Filed: December 19, 2003

For: SPINAL IMPLANT FOR INSERTION  
BETWEEN VERTEBRAL BODIES

Confirmation No.: 4978

Art Unit: 3738

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RECEIVED**  
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SEP 10 2004

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- ☒ A Second Request for Interference Under 37 C.F.R. § 1.604 and a Third Request for Interference Under 37 C.F.R. § 1.604 are enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA**	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	9	-	20**	0	LG=\$18 SM=\$9	\$ 0
INDEPENDENT CLAIMS FEE	3	*	3***	0	LG=\$84 SM=\$42	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$130	\$ 0
TOTAL						\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ A fee in the amount of \$\_\_\_\_\_ to cover the additional claims fee is enclosed.
- ☐ A fee in the amount of \$\_\_\_\_\_ to cover the \*\*\*-month extension of time fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO LLP

Date: September 10, 2004

By: Thomas H. Martin  
Registration No. 34,3831557 Lake O'Pines Street, NE  
Hartsville, Ohio 44632  
Telephone: 330-877-0700  
Facsimile: 330-877-2030

FORM PTO-1083

PATENT

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TOTAL CLAIMS FEE	9	-	20	**	LG=\$18 SM=\$0	\$ 0
INDEPENDENT CLAIMS FEE	3	-	3	***	LG=\$84 SM=\$42	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$260 SMALL ENTITY FEE = \$130	\$ 0
TOTAL						\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

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Sir:

**AMENDMENT**

Prior to the examination of the above-identified application, the following amendments and remarks are submitted:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks** begin on page 4 of this paper.

Amendment 9-10-04